

DOCKET NO. 2019-224-E
DOCKET NO. 2019-225-E

South Carolina Energy Freedom Act
(House Bill 3659) Proceeding Related to
S.C. Code Ann. Section 58-37-40 and
Integrated Resource Plans for Duke
Energy Carolinas, LLC and Duke Energy
Progress, LLC

**DUKE ENERGY CAROLINAS,
LLC'S AND DUKE ENERGY
PROGRESS, LLC'S SECOND
SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
AND INTERROGATORIES TO
SOUTH CAROLINA OFFICE OF
REGULATORY STAFF**

Further, please take notice that these Requests for Production and Interrogatories are continuing in nature until the date of the hearing, and that any information or responsive materials identified after your responses have been served upon the undersigned counsel should be provided via supplemental discovery responses as soon as possible after such identification.

INSTRUCTIONS

1. Please produce the requested documents as they are kept in the usual course of business or to organize and label them to correspond with the categories in the Request. Documents attached to each other should not be separated.

2. In producing Documents, furnish all documents known or available to you, regardless of whether such documents are possessed directly by you or your agents, employees, representatives, investigators, or by your attorneys. All requests for Documents specifically request documents of the South Carolina Office of Regulatory Staff, as well as J. Kennedy and Associates, Inc., Stephen J. Baron, Philip Hayet, and Lane Kollen, who you have retained to provide expert testimony in this proceeding.

3. If any document otherwise responsive to any Request was, but is no longer, in your possession, subject to your control or in existence, identify each document by listing its author(s) and addressee(s), date, subject matter, whether the document(s) or copies are still in existence (and if so, their locations and the custodians), as well as whether the document is missing or lost, has been destroyed, has been transferred voluntarily to others, or has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing its destruction or transfer, and the date(s) of such direction or authorization.

4. If a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, and the legal and factual basis for each such claim, and provide a complete description of the information or document being withheld.

5. Unless otherwise stated, the relevant time period for these Requests is from January 1, 2018, until the present.

6. Each Request shall be reproduced at the beginning of the response thereto.

7. Please provide copies of the information responsive to each Request in native electronic working format with all data and formulas intact.

8. Please provide responses to the following data requests electronically. To the extent this is impracticable, the responses, including any responsive Documents, should be provided at the offices of Robinson, Gray, Stepp & Laffitte, LLC, 1310 Gadsden Street, Columbia, South Carolina 29201, or some mutually convenient location otherwise agreed to by the parties.

DEFINITIONS

1. **“Commission”** means the Public Service Commission of South Carolina.

2. **“Communication”** means the transmittal of information in the form of facts, ideas, Documents, inquiries, or otherwise, including every discussion, conversation, conference, or telephone call.

3. **“You”** and **“your”** means the South Carolina Office of Regulatory Staff (“ORS”), South Carolina Office of Regulatory Staff’s witnesses in this proceeding, including but not limited to, Anthony M. Sandonato, and retained witnesses from J. Kennedy and Associates, Inc., and all of its members, agents, representatives and attorneys.

4. **“Dockets”** means Commission Docket Nos. 2019-224-E & 2019-225-E.

5. The term **“document”** is to be construed as broadly as permissible under Rule 34 of the South Carolina Rules of Civil Procedure and includes, but is not limited to, any printed, typewritten, handwritten or otherwise recorded information of whatever character, including, but not limited to, letters, memoranda, notes, diaries, reports, records,

calendars, charts, audio and/or video tapes or discs, and photographs; computer programs or disks; electronic media records, however recorded and maintained, including, but not limited to, electronic mail, voicemail messages, digital photographs and electronically scanned records of any type; recorded observations, statements, conversations or formal affidavits. Any carbon or photocopy of any such materials upon which notations have been made and all drafts are also included.

6. **“Person”** means any natural person or any business, legal, or governmental entity or association.

7. The terms **“related to”** and **“relating to”** or any variation thereof shall be construed to include refer to, summarize, reflect, constitute, contain, embody, mention, show, comprise, evidence, discuss, describe, comment on, concerning, regarding, eluding to, pertaining to, probative of, in connection with, dealing with, in respect of, about, involved, identifying or proving.

8. **“Identify,”** when referring to a Person, means to give, to the extent known, the Person’s full name, present or last known address, and when referring to a natural Person, additionally, the present or last known place of employment.

9. **“Identify,”** when referring to Documents, means to give, to the extent known, the (i) type of Document; (ii) general subject matter; (iii) date of the Document; and (iv) authors addressees and recipients.

10. **“Identify,”** when referring to an oral Communication, means to give, to the extent known, the identity of the speaker and of each Person who was present when the Communication was spoken, and the substance, date, and place of such Communication.

11. **“Integrated Resource Plans” or “IRPs”** refers to DEC’s and DEP’s respective integrated resource plans filed with the Public Service Commission of South Carolina in the Dockets on September 1, 2020.

INTERROGATORIES

2-1. Referring to your response to Request for Production No. 1-22, the file entitled “RFP 1-22 Generic Resource Options – CONFIDENTIAL.xls” includes links to the source data for the Utility Solar comparisons. However, the tables in the U.S. Energy Information Administration (“EIA”) link do not appear to include the levelized cost of energy (“LCOE”) for solar. Accordingly, please respond to the following:

- a. To the extent ORS calculated the LCOE for solar based on data provided in the EIA link, please provide the inputs used to calculate the LCOE;
- b. Please note, for each LCOE value, whether the results are based on nominal or real discount rates;
- c. Please confirm that ORS intended to use a 28% capacity factor for calculating the Companies’ LCOE; and
- d. Please provide the calculations supporting the LCOE value.

ANSWER:

2-2. As provided in the instructions to these Requests, if a privilege or objection as to any Interrogatory is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

ANSWER:

REQUESTS FOR PRODUCTION

2-1. Please produce copies of all data requests, requests for production, interrogatories, or other communications that have been received by ORS in connection with this docket. Please produce these as soon as practicable after they are received. Please consider this an ongoing request.

RESPONSE:

2-2. As provided in the instructions to these Requests, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

RESPONSE:

Dated this 26th day of March, 2021.

/s/Heather Shirley Smith

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